

## Message Text

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PAGE 01 COLOMB 03759 181240Z  
ACTION NEA-10

INFO OCT-01 ISO-00 CIAE-00 DODE-00 INR-10 NSAE-00

PA-01 ICA-11 SP-02 HA-05 /040 W

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R 181120Z AUG 78

FM AMEMBASSY COLOMBO

TO SECSTATE WASHDC 1145

INFO AMEMBASSY DACCA

AMEMBASSY ISLAMABAD

AMEMBASSY KATHMANDU

AMEMBASSY KABUL

AMEMBASSY NEW DELHI

AMCONSUL MADRAS

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E.O. 11652: N/A

TAGS: PGOV, CE

SUBJECT: NATIONAL ASSEMBLY PASSES NEW CONSTITUTION

REF: COLOMBO 3663

1. ON 16 AUGUST WITH ONLY THE GOVERNMENT'S UNITED NATIONAL PARTY (UNP) AND THE CEYLON WORKERS CONGRESS (CWC) MEMBERS IN ATTENDANCE, THE NATIONAL STATE ASSEMBLY (NSA) PASSED THE THIRD READING OF THE NEW CONSTITUTION 137-0 (TOTAL MEMBERSHIP IS 168). THE NEW CONSTITUTION WILL BE PROMULGATED ON SEPTEMBER 7, 1978, AT WHICH TIME THE PRESIDENT WILL TAKE HIS OATH OF OFFICE BEFORE THE NSA.

2. THE FINAL VERSION OF CONSTITUTION INCLUDES 54 AMENDMENTS WORKED UP IN COMMITTEE. PRINCIPAL AMENDMENTS ARE:

(1) THE CONTROVERSIAL ARTICLE 157 ON ADVOCATING CHANGES TO THE CONSTITUTION HAS BEEN DROPPED;

(2) ARTICLE 158 NOW ALLOWS THE NSA TO CANCEL A TREATY

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OR AGREEMENT RELATED TO FOREIGN INVESTMENT IF IT IS DEEMED NOT IN THE INTEREST OF NATIONAL SECURITY;

(3) ARTICLE ON FUNDAMENTAL RIGHTS IS NOW APPLICABLE FOR TEN YEARS TO NON-CITIZENS WHO ARE RESIDENT IN SRI LANKA IMMEDIATE PRIOR TO ENACTMENT OF CONSTITUTION, EXTENDING FUNDAMENTAL RIGHTS TO NON-CITIZEN TAMIL ESTATE WORKERS;

(4) IN ARTICLE 15, LANGUAGE THAT WOULD HAVE OPENED  
WAY FOR RESTRICTIONS ON FORMATION AND JOINING OF TRADE  
UNIONS IN STATE AGENCIES AND PUBLIC CORPORATIONS HAS  
BEEN DROPPED;

(5) ARTICLE 79 WHICH WOULD HAVE PERMITTED AMENDMENT TO  
THE CONSTITUTION WITH LESS THAN TWO-THIRDS BUT MORE THAN ONE-HALF  
VOTE OF NSA BY REFERRAL TO A NATIONAL REFERENDUM HAS BEEN  
DROPPED;

(6) ARTICLE 126 POWERS OF SUPREME COURT TO HEAR  
AND DETERMINE QUESTIONS RELATING TO INFRINGEMENTS OF FUNDAMENTAL  
RIGHTS OF CONSTITUTION HAVE BEEN EXPANDED TO INCLUDE LANGUAGE  
RIGHTS.

3. THAT THE CWC MP VOTED WITH THE GOVERNMENT IS NO SURPRISE.  
HE WORKED HARD FOR INCLUSION OF GUARANTEE OF FUNDAMENTAL  
RIGHTS FOR HIS CONSTITUENCY, THE TAMIL ESTAGE WORKERS. IT  
IS THE FIRST TIME NON-CITIZENS HAVE BEEN GRANTED SUCH  
RIGHTS IN OVER TWO DECADES. CONTRARY TO PRESS REPORTS  
THE CWC MP REMAINS ASSOCIATED WITH THE TULF. HE HAS AN  
UNDERSTANDING WITH THE FULF THAT HE IS FREE TO VOTE  
AS HE SEES FIT ON ISSUES IMPORTANT TO HIS CONSTITUENCY  
AND THE TULF LEADERSHIP HONORS THAT UNDERSTANDING.

4. WE WILL SEND DEPARTMENT FINAL TEXT OF CONSTITUTION  
WITH OUR COMMENTS IN NEAR FUTURE.

WRIGGINS

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## Message Attributes

**Automatic Decaptioning:** X  
**Capture Date:** 01 jan 1994  
**Channel Indicators:** n/a  
**Current Classification:** UNCLASSIFIED  
**Concepts:** CONSTITUTIONAL AMENDMENTS  
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**Copy:** SINGLE  
**Draft Date:** 18 aug 1978  
**Decaption Date:** 01 jan 1960  
**Decaption Note:**  
**Disposition Action:** RELEASED  
**Disposition Approved on Date:**  
**Disposition Case Number:** n/a  
**Disposition Comment:** 25 YEAR REVIEW  
**Disposition Date:** 20 Mar 2014  
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**Enclosure:** n/a  
**Executive Order:** N/A  
**Errors:** N/A  
**Expiration:**  
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